

UNITED STATES COURT FOR THE DISTRICT OF PUERTO RICO
BEFORE HONORABLE DANIEL R. DOMINGUEZ

AMENDED MINUTES OF PROCEEDINGS

DATE: July 14, 2005

CIVIL NO. 02-1317(DRD)

LAW CLERK: Gladys M. Steffens Guzmán

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ILEANA GUZMAN HERNANDEZ,

Plaintiff

v.

Attorneys:

Rosa Nogueras

PREPA

Defendant.

Carlos Aquino

Jose Negron

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A Rule 26 meeting was held this afternoon. The meeting began at 6:25 p.m. and ended at 7:05 p.m.

At the outset, the Court inquired as to the nature of the discovery controversies. The parties explained their positions and the Court issued the following order:

- 1) **Plaintiff** is to, **ON OR BEFORE WEDNESDAY, JULY 20, 2005**, provide defendant with a detailed list regarding the documents that are incomplete. **Defendant** is to comply with said list **WITHIN TEN (10) DAYS** from the date in which they receive said list.
- 2) **Plaintiff** is to, **ON OR BEFORE MONDAY, SEPTEMBER 12, 2005**, provide defendant with:
 - a. All **medical records**, including diagnosis and progress notes, but not including communications between plaintiff and the treating physician or physicians, of every physician plaintiff attended. Garcia Vazquez v. Frito Lay Snacks Caribbean, Inc., No. 97-1313(SEC). 2001 U.S. Dist. LEXIS 1699, at *7-9 (D.P.R. Feb. 15, 2001).
 - b. All **medical records**, including diagnosis and progress notes, but not including communications between plaintiff and the treating physician or physicians, contained in her Social Security records. Id.
 - c. All **medical records**, including diagnosis and progress notes, but not including communications between plaintiff and the treating physician or physicians, contained in her State Insurance Fund record. Id.
 - d. The entirety of plaintiff's **record** at the "Programa de Ayuda al Empleado". Id.

- e. The First Page, and the Page reflecting dependants claimed, of her income tax returns for the years in question.
- 3) Once plaintiff has complied with this discover order, **defendant** shall have **THIRTY (30) DAYS FROM THE DATE OF THE FINAL PRODUCTION** to examine plaintiff.
- 4) **Defendants** shall have **THIRTY (30) DAYS FROM THE DATE OF PLAINTIFF'S EXAMINATION** to:
 - a. Notify its expert reports to plaintiff; and
 - b. To file its motion for summary judgment.
- 5) **Defendant** is to make available to the Court, **BY TOMORROW, FRIDAY, JULY 15, 2005**, all PREPA's internal communications, as allegedly privileged under attorney client relationship, regarding plaintiff in order for the Court to determine what is privileged and what is discoverable.
- 6) **Plaintiff** is authorized to record her depositions *in lieu* of transcriptions as per Honorable Hector Laffitte's order in a similar situation.

The Court recognizes that the parties will occasionally be unable to meet these deadlines, and the Court may extend a scheduling order deadline. However, the parties are forewarned that the Court shall only extend the deadline after a showing of good cause as to why the deadline cannot be reasonable met despite the diligence of the party seeking the extension. O'Connell v. Hyatt, 357 F.3d 152, 154 (1st Cir., 2004). Further, the Court reminds the parties that having too many cases to handle is not an excuse to fail to comply with this Court's Order. The Court, consistently, has refused to accept such excuses. See. Méndez v. Banco Popular de P.R., 900 F.2d 4,8 (1st Cir. 1990); Pinero Schroeder v. FNMA, 574 F.2d 1117,1118 (1st Cir. 1978). "The fact that an attorney has other fish to fry is not an acceptable reason for disregarding a court order". Chamorro v. Puerto Rican Cars INC, 304, F.3d 1, 5 (1st Cir., 2002). This mandate to the undersigned means: "Too many fish to fry is no excuse to fail to comply".

Finally, the Court warns all parties that it will not hesitate to subpoena any Governmental State or Federal agency that is hindering the development of the instant case.

IT IS SO ORDERED.

s/ Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE